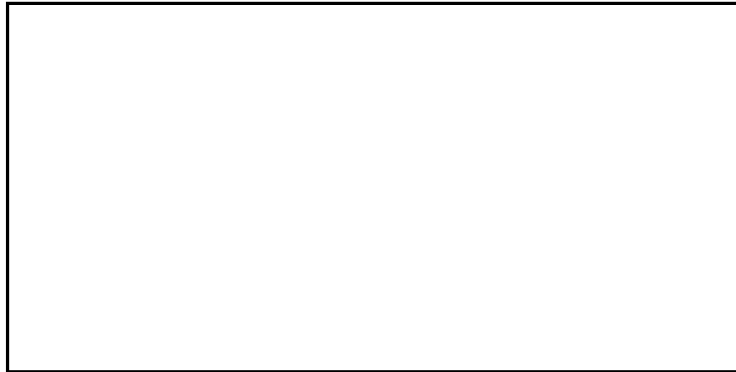


DDA  
OLC # 72 0786/7

IRC Working Group  
Minutes of 9th Meeting  
2 November 1978

IN ATTENDANCE:



A. MINUTES OF MEETING OF 21 SEPTEMBER 1978

The status of the various actions mentioned in the minutes of the previous meeting was reviewed. Most of the items are still pending due, in most cases, to the lack of time to address the subjects. Left for future action are:

a. The movement of the appeals process from OGC. The [redacted] study is still not complete and any decision will await the completion of the study.

b. New fee schedule. [redacted] reported that due to the press of business, they have been unable to complete a new suggested fee schedule.

c. Training improvement. It was reported that OTR has agreed to query former students still working in FOI/PA to determine where training might be improved. [redacted] of OTR is preparing a questionnaire to send to such former students.

d. Notice re employee access to records. It was reported that comments from the initial coordination request are now in with many suggestions for improvement of the notice. These comments are being incorporated into a new draft which will be circulated to all members of the IRC/WG and other interested components for recoordination.

B. REPORT TO HPSCI ON FOI/PA

25X1 The members discussed the request of HPSCI for a report, due 1 December 1978, regarding FOI/PA within the intelligence community. [ ] reported that IPS will be pulling a draft report together which will be used as a vehicle for bringing to the attention of HPSCI the state of FOI/PA within CIA, including problems encountered and suggestions for legislative relief.

C. AMENDMENT OF FOIA

25X1 [ ] reported that he had reviewed all of the suggestions from the various components regarding areas for legislative relief. He indicated that it was very difficult to come up with an all-inclusive program based on an attempt to obtain exemptions for specific records systems. The possibility of exempting certain areas of information as opposed to records systems was also discussed, and discussion was heard as to the difficulty in drafting language to cover that kind of exemption. It was then suggested that perhaps a way to go would be to take the positive approach of listing what systems of records will be searched with all other systems of records excluded. [ ] will get together [ ] to develop this idea further to see where it might lead.

25X1  
25X1

D. GOLDWATER LETTER IMPLICATIONS

25X1 The basic question here was as to the need for three letters from the SSCI regarding material considered property of the SSCI. [ ] explained that the first two letters were designed to protect records being requested in two specific court cases, whereas the 19 October 1978 letter was general in nature, aimed at developing a policy which could be used in all cases in the future and confirmed by the Committee on a case-by-case basis. It was pointed out that the request of the SSCI did not extend to documents which were already in existence at the time of SSCI involvement in the subject but extended only to material produced by the SSCI and material produced by the Agency at the request of the SSCI. In other words, if the SSCI asked to see a specific document already in existence, the document itself would not be considered Congressional material, but any transmittal letter or covering memorandum would be considered SSCI material.

E. IRC/WG CHARTER

All members concurred in the draft IRC/WG charter as distributed. It was also agreed that a section be included authorizing the IRC/WG to invite persons to attend IRC/WG meetings who are experts or in some way can contribute to items germane to IRC/WG activities.

F. MISCELLANEOUS

25X1 1. The memorandum from [ ] dated 11 October 1978, setting  
25X1 forth the principal that the classification marking on each document be  
25X1 furnished to requesters was discussed. [ ] pointed out that the  
25X125X1 FOIA Handbook states that a line should be drawn through the classifica-  
tion marking. [ ] stated that he could not concur in the [ ]  
doctrine because he could foresee various situations where knowledge of  
the level of classification of a particular document could in itself  
reveal intelligence sources and methods. It was decided to study the  
25X1 [ ] memorandum further and to leave any decision to the next meeting.

25X1 2. [ ] then raised the matter of the legal opinion [ ]  
25X125X1 [ ] indicating that employees should be given access to all records  
25X1 of career service panel deliberations if so requested under the PA. He  
asked for a run-down of how other directorates handled this kind of a  
problem. There ensued a lengthy discussion of the matter. It was de-  
25X1 cided [ ] submit a statement of facts to OGC, correct-  
25X1 ing the factual errors in [ ] legal opinion and requesting  
a review of Clarke's opinion in light of the additional facts.

